



The City of New York
Law Department
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

SHIRLEY W. BI
Assistant Corporation Counsel
Labor & Employment Law Division
Phone: (212) 356-2464
Fax: (212) 356-2439
Email: sbi@law.nyc.gov

May 16, 2018

BY ECF

Honorable William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street,
New York, New York 10007-1312

Re: Frazier v. City of New York, et al.,
17 Civ. 7047 (WHP)(SN)
Our No. 2017-056025

Dear Judge Pauley:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced action. Defendants submit this joint letter on behalf of both parties to respectfully request an extension of the parties' discovery schedule, from May 31, to July 31, 2018, and adjourn the parties' Final Pretrial Conference, scheduled on July 13, 2018, until a date in August, 2018 after discovery is completed. This is the parties' first request for an extension of the parties' discovery schedule and adjournment of the Final Pretrial Conference.

The parties' discovery period is currently scheduled to close on May 31, 2018. Both parties have diligently worked to answer interrogatories, respond to requests for documents, and have met and conferred to resolve any discovery disputes that have arisen. There are, however, some materials outstanding, including electronic discovery consisting of e-mails between the parties, as well as confidential information pertaining to various students' Individual Education Plans ("IEPs") which are further subjected to notice requirements set forth in the Family Education Right and Privacy Act, 20 U.S.C. § 1232g ("FERPA"). In addition, due to these unforeseen delays in completing document production, depositions have not yet been completed.

Currently, defendants have collected and are working to process and index over 22 gigabytes of electronically stored information ("ESI") in accordance with the ESI parameters jointly set by the parties. Defendants will produce the ESI after narrowing search terms and completing their review for responsive materials. If the review goes as expected, the parties anticipate that depositions of the parties will take place in mid-June, 2018, and the depositions of

HONORABLE WILLIAM H. PAULEY III

United States District Judge

Frazier v. City of New York, et al.,

17 Civ. 7047 (WHP)(SN)

May 16, 2018

Page 2

non-parties will be completed through June and July, 2018. Accordingly, the parties respectfully request this 60-day extension to complete fact discovery by July 31, 2018.

Finally, as the parties are requesting an extension of time to complete discovery, the parties respectfully request that the Court grant an adjournment of the July 13th Final Pretrial Conference to a date during the first week of August, 2018, or to a subsequent date convenient for the Court.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Shirley W. Bi
Assistant Corporation Counsel

cc: **GLASS KRAKOWER LLP**
Attorneys for Plaintiff
Att: Jordan F. Harlow
(By ECF)